In 2 DILLON, MUNICIPAL CORPORATIONS (4th Ed.), § 730, speaking of the temporary obstruction of highways, the author says: "there need be no absolute necessity; it suffices that the necessity is a reasonable one." Under this view the decision in the present case is perfectly sound.

INTOXICATING LIQUORS—AUTOMOBILE ILLEGALLY TRANSPORTING LIQUOR SUBJECT TO FORFEITURE—OWNER MAY RECLAIM.—The owner of an automobile sold it on instalments, retaining legal title until payment in full. The vendee used the automobile in violation of the prohibition statute of Utah forbidding transportation of intoxicating liquor, and the automobile was seized and sought to be forfeited to the state as provided by said statute. *Held*, (1) the words of the statute authorizing the officer to seize the "intoxicating liquors, vessels and other property so unlawfully used" were intended to include automobiles; (2) the owner may reclaim his property from the state by proving his own innocence by a preponderance of the evidence. *State* v. *Davis* (Utah, 1919), 184 Pac. 161.

Such statutes have been held constitutional. *Mack* v. *Westbrook*, 148 Ga. 690; *Maples* v. *State* (Ala., 1919), 82 So. 183. The first point has arisen in only two states (Oklahoma and Utah) because the prohibition statutes of other states specify clearly that vehicles are subject to seizure and forfeiture. In *Sharpe* v. *State* (Okla., 1919), 181 Pac. 293 (under a statute giving the officer authority to "seize the liquor, bars, furniture, fixtures, vessels and appurtenances so unlawfully used") it was held that an automobile is not an "appurtenance," and hence not subject to seizure. On the second point, the federal courts have taken a different view of forfeitures for violation of the revenue laws, holding the proceedings to be *in rem* and considering the property itself as the offender and therefore liable to forfeiture regardless of the personal innocence of the owner of said property. *United States* v. *Two Bay Mules*, 36 Fed. 84; *Heidritter* v. *Elizabeth Oil Co.*, 6 Fed. 138; *United States* v. *One Copper Still*, Fed. Cas. No. 15, 928. See also *State ex rel. Prato* v. *District Court*, 55 Mont. 560. But it has been held under prohibition statutes that the property of innocent persons is not to be forfeited to the state unless the statute clearly indicates the legislative intent to that effect. *State* v. *Jones-Hansen-Cadillac Co.* (Nebr., 1919), 172 N. W. 36. Such an intent was held to be expressed in a statute providing that "no property rights of any kind shall exist in the liquors mentioned in section one of this act, * * * or in any vessel, fixture, furniture, implements, or vehicles, when the said liquors or other property mentioned are kept, stored, or used for the purpose of violating any law of this state." *White Auto Co.* v. *Collins*, 136 Ark. 81. Where no such intention was indicated in the statute, it was held that an innocent mortgagee of an automobile should not lose his interest in the chattel because the mortgagor used it for the illegal transportation of liquor. *Seignious* v. *Limehouse*, 107 S. C. 545; *Maples* v. *State*, *supra*. And it has been decided that an innocent owner of a vehicle does not lose his property because his bailee uses the vehicle for the illegal transportation of liquor. *Griffin* v. *Smith* (Ga., 1919), 99 S. E. 386; or when his property is taken without his knowledge and so used. *Moody* v. *McKinney*, 73 S. C. 438. The explanation

of the conflict between state and federal courts on the second point probably lies in the feeling on the part of Congress and federal courts that the revenue laws must be rigidly enforced even at the risk of imposing a hardship upon an innocent person occasionally, rather than create an opportunity for evasion of the law by exempting the property of such persons from its scope, while the state legislatures and courts do not consider such an ironclad forfeiture rule necessary to the adequate enforcement of the prohibition laws. On the first point, the instant case is a liberal interpretation of the statute and calculated to give full effect to the legislative intent.

MARRIAGE—FRAUD JUSTIFYING ANNULMENT.—Plaintiff and defendant, both of the Jewish faith, agreed to be married by a person other than a Rabbi, upon defendant's promise that they would afterwards have a Jewish wedding. A civil-marriage ceremony was then had, but the defendant later refused to have a Jewish wedding, saying he didn't believe in it and that they should live together without it. Plaintiff seeks to have this civil-marriage annulled on the grounds of fraud,—on the theory, that she would not have married the defendant, had he not so promised, and that the marriage was never consummated. *Held,* no fraud justifying annulment, there being no misrepresentation of an existing fact,—"he did not state that anything *was,* but only that something *would be.*" *Schacter* v. *Schacter* (1919), 178 N. Y. Supp. 212.

As a general rule, it must appear that there has been a misrepresentation as to a material fact, either past or present, upon which the plaintiff has relied, before the courts will annul the marriage contract. The defendant must have misrepresented that which *was,* and not that which *would be,* for a misrepresentation as to future facts is not regarded as legal fraud, justifying annulment of the marriage contract. *Farley* v. *Farley,* 94 Ala. 501; *Browning* v. *Browning,* 89 Kan. 98, Ann. Cas. 1914 C 1288, and note; *Di Lorenzo* v. *Di Lorenzo,* 174 N. Y. 467, 95 A. S. R. 609, note; also monographic note to *State* v. *Lowell,* 78 Minn. 166, 79 A. S. R. 358, p. 371. Though the plaintiff, as in this case, may regard marriage as a strictly religious ceremony, and consequently find himself or herself, as the case may be, in a very disagreeable and disquieting situation, still the law does not protect against a mere disturbance of religious convictions. It has been held that even though the defendant has made misrepresentations, as to past or present facts, which actually led to a marriage under conditions inconsistent with the plaintiff's beliefs and convictions, still no remedy will be given. *Clarke* v. *Clarke,* 11 Abb. Prac. 228; *Fiske* v. *Fiske,* 6 App. Div. 432.

MASTER AND SERVANT—HIRER OF TEAMS AND TEAMSTERS OF ANOTHER LIABLE FOR TEAMSTER'S NEGLIGENCE.—A coal company hired teams, drivers and wagon trucks from an ice company to deliver coal, Coal company furnishing wagon boxes and directing drivers where to get coal and where to deliver it. Ice company paid drivers and was paid by Coal company on basis of amount delivered. One of the drivers mired his wagon, and, in unhitching team to return it for the night to Ice company's stables, left wagon tongue